



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

SEP - 4 2019

PROMPT REPLY NECESSARY
CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Computer History Museum
Attn: Dan'l Lewin, President and Chief Executive Officer
1401 N. Shoreline Blvd.
Mountain View, CA 94043

Re: Supplemental Request for Information Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9604(e), PROTECO Site, Peñuelas, Puerto Rico

Dear Mr. Lewin:

As you know, the United States Environmental Protection Agency ("EPA") has sought information from you in the past regarding Digital Equipment Corporation. EPA's mission is to address releases or threatened releases of hazardous substances, pollutants, and/or contaminants into the environment, and we appreciate the assistance you have already provided us with our enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675 ("CERCLA"), also known as the "Superfund" law.

This letter seeks your cooperation in providing additional information and documents related to Digital Equipment Corporation at the PROTECO Site in Puerto Rico ("the Site"). We are requesting this further assistance from you for supplemental information needed to follow up on the information provided in your May 6, 2019 response to EPA's March 28, 2019 Request for Information. We understand that this request may require significant effort, and we reiterate our appreciation for your prior assistance. We hope that you will give this matter your prompt attention, and we request that you provide a response to the attached Request for Information within 21 calendar days of your receipt of this letter, if possible.

REQUEST FOR INFORMATION

As we set out in our March 28, 2019 letter, EPA has broad information gathering authority to obtain information. In preparing your response to this Request for Information, please follow the instructions provided in Attachment A. When you have prepared your response to the Request

for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return and/or scan and email that Certification to EPA along with your response.

As we indicated in the past, some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that that is not a basis to withhold the information. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in Attachment A, including the required support of your claim of confidentiality.

Your response to this Request for Information, which we encourage you to submit electronically, should be sent to the following:

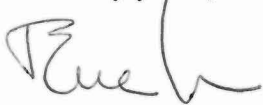
Andrea Leshak, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, New York 10007-1866
leshak.andrea@epa.gov

and to:

Zolymar Luna
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
#48 Rd 165, km 1.2
Guaynabo, Puerto Rico 00968-8069
luna.zolymar@epa.gov

We would like to reiterate our appreciation for your assistance in this important matter. If you have any questions regarding this letter, or would like to discuss the matter with EPA, you may call Ms. Luna at (787) 977-5844 or email her at the email address listed above. Please direct all inquiries from an attorney to Ms. Leshak at (212) 637-3197 or at the email address listed above. We appreciate your attention to this matter and look forward to your prompt response to this letter.

Sincerely yours,



Eric J. Wilson
Deputy Director for Enforcement and Homeland Security
Emergency and Remedial Response Division

Enclosures

ATTACHMENT A

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

DIRECTIONS

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Request for Information. For each question contained in **Attachment B** of this letter, if information responsive to this Request for Information is not in your possession, custody, or control, please identify any person(s) from whom you believe such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees and/or agents. Whenever in this Request for Information there is a request to identify a natural person or an entity, state, among other things, the person or entity's full name and present or last known address.
4. Identify Sources of Answers. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Inability to Answer or Provide Documents. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reason for your belief.
6. Documents. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion. If a document is requested but is not available, state the reason for its unavailability.
7. Continuing Obligation to Provide and to Correct Information. If additional information or documents responsive to this Request for Information become known or available to you after you respond to this Request for Information, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA. If after submitting your response, you discover that information you submitted is incorrect, it is necessary that you promptly notify EPA and correct such information.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You

may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. Part 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:

- a. the portions of the information alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would be likely to result in substantial harmful effect on your business's competitive position and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "CONFIDENTIAL" on all responses and any related documents you assert to be confidential. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if applicable, after which the information need no longer be treated as confidential. Please submit in separate envelopes both a clean and a redacted version of any documents or response for which you make a claim of confidentiality.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA Contractor. Information that you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that EPA may disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. Pursuant to 40 C.F.R. Part 2.310(h), private contractors must sign a contractual agreement that prohibits the disclosure of such information to anyone other than EPA without the prior written approval of each affected business or of an EPA legal

office. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.

10. Personal Privacy Information. Personnel and medical files and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
11. Objections to Questions. If you have objections to some or all the questions within the Request for Information letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words insofar as they appear in this Request for Information.

1. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "Company" shall mean Digital Equipment Corporation and/or Digital Equipment Corporation de Puerto Rico and their predecessors and successors, as they were or currently are named and constituted, and all subsidiaries, divisions, affiliates, and branches.
3. The term "documents" includes any written, recorded, computer-generated, visually, or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
4. The term "entity" or "entities" refers to persons, individuals, companies, partnerships, or any other type of business association.
5. The term "identify" means, with respect to a natural person, to set forth the person's full name, present or last known employer, business address, and business telephone number, as well as the present or last known home address and home telephone number. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and any affiliation or contractual relationship it has with the individual and/or Company to whom/which this Request for Information is addressed.
6. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

7. The term “you” shall mean the addressee of this Request for Information.
8. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

ATTACHMENT B

REQUEST FOR INFORMATION

According to the Computer History Museum's "Guide to the Digital Equipment Corporation records," available at <http://pdf.oac.cdlib.org/pdf/camvchm/102733963-DEC.pdf>, the Computer History Museum maintains extensive records comprising Digital Equipment Corporation's corporate archives.

1. In response to EPA's March 28, 2019 Information Request, you provided records contained in Catalog Number 102737654 Aguadilla, Puerto Rico plant design and construction 1970-1973. Among the records provided is a diagram, entitled "Schematic Flow Diagram Wet Processing," which is illegible. (See p. 61 of the pdf labeled 102737654-05-03-acc.pdf). Please provide a legible copy of this diagram if such exists.
2. Please provide a copy of the following records contained in Subseries 1.1.4 (see p. 10 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102737410 Operations Committee 1968-1969; and
 - b. Catalog Number 102737456 Operations Committee microfilm 1970-1977.
3. Please provide a copy of the following records contained in Subseries 1.3 (see p. 14 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102737351 Operations Committee 1969-1987;
 - b. Catalog Number 102737352 Corporate policies 1985-1991; and
 - c. Catalog Number 102737353 International operations 1969-1985.
4. Please provide a copy of the following records contained in Subseries 4.3.3 (see p. 57 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102750400 Budgets and finances 1990-1993;
 - b. Catalog Number 102750414 DEC annual reports 1988-1990;
 - c. Catalog Number 102750554 DEC annual stockholders meeting 1989-1990;
 - d. Catalog Number 102750408 DEC quarterly financial reports and investments 1989-1995;
 - e. Catalog Number 102750401 Employee hiring and recruiting 1987-1994; and
 - f. Catalog Number 102750389 Legal records 1984-1994.
5. Please provide a copy of the records contained in Subseries 9.3, Catalog Number 102737658 Cross-facility management plans, policies, and reports 1979-1981; 1987-1989. (See p. 74 of "Guide to the Digital Equipment Corporation records").
6. Please provide a copy of the records contained in Subseries 9.6, Catalog Number 102737694 Staff telephone directories and organizational charts 1963; 1969-1970; 1976; 1992. (See p. 76 of "Guide to the Digital Equipment Corporation records").

7. Please provide a copy of the records contained in Subseries 9.7, Catalog Number 102737701 Compaq-Digital Equipment Corporation merger proposal to stockholders 1998-05-06. (See p. 77 of "Guide to the Digital Equipment Corporation records").
8. Please provide a copy of the following records contained in Subseries 9.8 (see p. 77 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102737714 Annual and quarterly reports for the Securities and Exchange;
 - b. Catalog Number 102737715 Annual meetings of stockholders 1973; 1981-1997;
 - c. Catalog Number 102737717 Coopers & Lybrand financial analysis of Digital Equipment Corporation 1973;
 - d. Catalog Number 102737718 Corporate long range plan for finance 1992;
 - e. Catalog Number 102737719 Earnings results, statements of income, and balance sheets 1958-1972;
 - f. Catalog Number 102737720 Employee stock purchase plans 1973; 1977-1981; 1988;
 - g. Catalog Number 102737721 Financial results teleconference transcripts 1995-1997;
 - h. Catalog Number 102737722 Notification of first annual report to DEC employees 1964; and
 - i. Catalog Number 102737724 Product prices for authorized industrial distributors 1980-1985.
9. Please provide a copy of the following records contained in Subseries 11.1.2 (see p. 89 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102737827 Hazardous waste and chemical storage 1980; 1985-1989; and
 - b. Catalog Number 102737829 Analyses of environmental risk reports circa 1985.
10. Please provide a copy of the following records contained in Subseries 11.1.5 (see p. 93 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102748677 Waste management issues and policies 1988-1992; and
 - b. Catalog Number 102748681 Sludge issues 1988.
11. Please provide a copy of the following records contained in Subseries 14.7 (see p. 101 of "Guide to the Digital Equipment Corporation records"):
 - a. Catalog Number 102750898 Annual reports 1965; 1985-2000;
 - b. Catalog Number 102752933 Company overviews and histories 1977; 1992; and
 - c. Catalog Number 102752934 Quarterly reports 1973; 1980-1993.
12. Please provide a copy of the following records contained in Subseries 21.9 (see p. 421 of "Guide to the Digital Equipment Corporation records"):

- a. Catalog Number 102753096 Corporate overview slide show for U.S. field orientation 1982-1985; and
 - b. Catalog Number 102753100 Corporate overview slide show 1984.
13. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. The Computer History Museum's document retention policy between 1975 and 2019;
 - b. A description of how the records were destroyed (burned, trashed, etc.) and the approximate date of destruction;
 - c. A description of the type of information that would have been contained in the documents;
 - d. The name, job title, and most current address known by you of the person(s) who would have produced these documents, the person(s) who would have been responsible for the retention of these documents, the person(s) who would have been responsible for the destruction of these documents, and the person(s) who may have had and/or still may have the originals or copies of these documents; and
 - e. The names and most current address of any person(s) who may possess documents relevant to this inquiry.
14. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
15. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this Request for Information. In addition, state whether this person has personal knowledge of the information in the answers provided.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State/Commonwealth of _____

County/Municipality of _____

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this

_____ day of _____ 2019.

Notary Public

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Attn: Dan'l Lewin, President and Chief
Executive Officer

Street and Apt. No., or P.O. Box No.

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Mountain View, CA 94043

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1. Article Addressed to:

Computer History Museum
Attn: Dan'l Lewin, President and
Chief Executive Officer
1401 N. Shoreline Blvd.
Mountain View, CA 94043



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